

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**INFORMAL SESSION**

**March 21, 2005**

The Board of Supervisors of Maricopa County, Arizona convened in Informal Session at 9:00 a.m., March 21, 2005 in the Board of Supervisors' Conference Room, 301 W. Jefferson, Phoenix, Arizona, with the following members present: Max W. Wilson, Chairman, District 4; Fulton Brock, District 1; Don Stapley, District 2; Andrew Kunasek, District 3; and Mary Rose Wilcox, District 5 (left early). Also present: Fran McCarroll, Clerk of the Board; Monica Farine, Minutes Coordinator; David Smith, County Manager; and Paul Golab, Deputy County Attorney. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

Chairman Wilson called the meeting to order.

**PRESENTATION ECONOMIC FORECAST FOR MARICOPA COUNTY**

Elliot Pollack made a presentation to the Board of Supervisors regarding the nation's economy. He said last year the economy was almost as strong as two decades ago, but the future of oil remains highly uncertain as the nation is vulnerable to price increases. The United States imports two times more oil now than was imported in 1973 and people spend less when oil prices are high. With personal income up, retail sales are up and net worth is higher due to the modest recovery in the stock market. He said equity is high in the housing market, so people tend to use their homes in the same manner as a credit card. Mr. Pollack said while corporate profits are strong, plant spending is low, and equipment spending is booming.

Mr. Pollack reiterated while the recovery is progressing well, it still has room for improvement. The import/export ratio will take a favorable turn when the dollar becomes stronger against the Euro. As an example, China is sending the United States I-Pods and Computers. The United States pays with cash and they are buying our federal debt. If this continues, he said the deficit would not be a problem unless they tire of holding the debt and decide to diversify. In summary, Mr. Pollack said there are mostly good times ahead with an overall picture of fiscal and monetary stimulus; incomes are up and businesses have cash; productivity growth is strong with job growth accelerating. He said the cheaper dollar means more exports, but inflation will not be a problem when interest rates are still low and the economy will continue to expand.

Mr. Pollack said Arizona has been one of the top five "growth" states throughout the 1990's. Population and employment are up with 70,000 new jobs this year. Semi-conductor plants, the commercial aviation industry, tourism and population growth have created additional jobs. He indicated retail sales were better than anticipated and remain healthy because people like living and visiting here. Each time 2.6 people relocate here, a single-family housing unit is needed. Second home retirement sales are also strong. At the end of the year, there were 127,000 more people with 110,000 expected next year and the trend is continuing. He said investors moved from the new housing market to the existing market creating a buying frenzy. However, if interest rates continue to climb, the market will begin to flatten out.

Chairman Wilson thanked Mr. Pollack for his presentation and asked the Board for comments or questions. Supervisor Stapley inquired what would cause interest rates to rise. Mr. Pollack indicated the federal government controls short-term rates and long-term rates. Everyone was surprised when rates did not go up, but that was due to the fact that inflation is not currently a threat.

Supervisor Brock asked about the apparent increase in 401K savings and retirement plans. Mr. Pollack indicated the trend of 401K's in the last decade was down. He said many people decided to save less and use the stock market of the early 90's as their savings, or to take money out of their houses.

Supervisor Brock inquired about oil alternatives and offered an opinion that tax credits for hybrids should be encouraged. Mr. Pollack indicated oil producers historically had done a good job of keeping oil prices low,

and, until a year ago, oil was so cheap there was not an incentive for an alternate. He said when prices rise, the demand for alternatives including hybrid vehicles, will increase.

Supervisor Wilcox inquired how current housing sale trends affected the market. Mr. Pollack said 18 months ago, outside investors were buying a house, waiting nine months for the home to appreciate, then selling. Homebuilders took issue with this trend and put restrictions on investors. Consequently, investors moved to the existing housing market and as a result, the existing housing market had significant increases in number of sales and prices. If investors decide to divest, it would greatly effect the housing market and there would be price roll-backs.

Supervisor Kunasek questioned the predicted increase in the sales tax by 9% while shared revenues for Maricopa County are only expected to rise 7% to 7½%. Mr. Pollack indicated that was due to it being a calendar year versus fiscal year.

**~ Supervisor Wilcox left the room ~**

Supervisor Brock inquired about the 9½ million acres of state trust land, asking if it might not be a good time to sell. Mr. Pollack explained that competing interests including environmentalists, developers, cattle ranchers and others made this a difficult job for the legislature. Supervisor Brock expressed concern about the need for more educated workers in the state. Mr. Pollack responded that our tuition costs were in the bottom third nationally, but he was unaware of the state's ranking regarding professor's salaries.

**~ Supervisor Wilcox returned to the room ~**

Chairman Wilson commented on the need for more transportation funding with the steady increase in population. Mr. Pollack said that while a new plan is being implemented, growth continues which creates a constant struggle to catch up. He said climate, lifestyle, geography and affordability are the major factors influencing population growth in Arizona.

The Supervisors thanked Mr. Pollack for his informative presentation. (C4905025800) (ADM1825)

**RESOLUTION SPONSORING THE ARIZONA CENTRAL REGION CITIZEN CORPS COUNCIL**

Item: Presentation by Emergency Management and approval of a resolution sponsoring the Arizona Central Region Citizen Corps Council (ACRCCC). All Citizen Corps Councils are required to obtain local sponsoring government officials whose jurisdiction corresponds to the boundaries of the proposed local Council. (C1505005M00) (ADM900)

Keith Lansbery, Emergency Management

Keith Lansbery, Emergency Management, was hired by Maricopa County in November 2003, to develop the Citizens Corps Council programs introduced by the President in March 2003, as a result of 9/11. The purpose was to have volunteers help first responders in the event of a disaster. Citizens Corps started with four basic programs: Neighborhood Watch or USA Watch, the VIPS Program, (Volunteers in Police Service), the Cert program and the Medical Reserve Corps. Last year, Fire Corps was added to include volunteers from fire departments. There is an Arizona State Citizens Corps Council and a countywide Citizens Corps Council called the Arizona Central Region Citizen Corps Council. Sponsorship of this local council is the request before the Board today.

**~ Supervisor Wilcox left the room ~**

The Citizens Corps Mission is "To have everyone participate in making Arizona safer." The approach involves personal responsibility, training, and volunteer services. The Corp itself provides a number of training opportunities and the network to link people to needs at various times in specific locations. The network consists of state, local and tribal councils in order to tailor activities to the local community and build on community strengths.

**~ Supervisor Wilcox returned to the room ~**

Mr. Lansbery then focused on the Central Arizona Council. He said typical membership of a Citizens Corps Council is made up of first responders, the volunteer community, elected officials, business leaders, school system representatives, and media executives. It was built into the Maricopa County plan to have seats on the countywide council for each local citizen corps councils. They formed membership groups and the bylaws show the makeup of the Arizona Central Regional Citizens Corps Council and its members. The responsibilities of the Citizens Corps Council are to:

- o Build on community strengths and develop strategic plans for the whole community, including special needs groups,
- o Focus on public education, training and volunteer opportunities for community and family safety,
- o Ensure citizens are connected to emergency alert systems,
- o Promote and oversee Citizens Corps programs,
- o Provide opportunities for special skills and interests, and
- o Organize special projects/community events.

Citizens Corps' local strategy has three functions: public education, training, and volunteer opportunities. Special training for handicapped or special needs individuals is provided after each core council identifies the needs of their specific community.

Citizens Corps is a partner at the national level of the Department of Justice, Department of Homeland Security and Department of Health and Human Services. The National Council provides grant guidance and fundraising tips. Other publications are available on their website at "Ready.gov".

Neighborhood watch or block watch are the eyes and ears of law enforcement. They are preparing a national and county website (Maricopa Citizens Corps.org) where individuals can sign up for any Citizens Corps program. Some volunteers may give handicap-parking tickets, assist in fingerprinting, or perform different administrative functions.

The VIPS organization is managed and implemented by the International Association of Peace Police. They still maintain their own identity but partner with Citizens Corps. Their goal is to enhance the capacity of state and local law enforcement to utilize volunteers.

The CERT program in Arizona, established in 2002, made great strides nationally with 16 registered CERT programs in Maricopa County. The City of Phoenix trained 90 people three Saturdays in a row with a goal to train 15,000 in the next five years. The Medical Reserve Corps, managed by The Department of Health and Human Services, struggles with liability issues, credentialing, and recruiting professionals to volunteer. They received a grant of \$50,000 a year and they are in their third and final year. A House Bill addressing Arizona Revised Statute Title 26 looks at the security sought by medical professionals in order for them to volunteer. Enlisted so far are 150 pharmacists, a dozen nurses, and EMTs, but until the liability issue is addressed, there are no training classes in this area. The Fire Corps is growing on the east coast but it has not been implemented in Maricopa County.

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Chairman Wilson said with the appropriate skills, one can save a person's life. Supervisor Wilcox said volunteering is important and recommended getting a children's chapter together. Supervisor Kunasek asked if the legislature could provide assistance toward liability relief to pave the way for volunteers for the Medical Reserve Corps and asked if the county attorney's office can assist. Supervisor Stapley inquired as to age limits for membership. Mr. Lansbery said each community decides age limits for participants. Supervisor Stapley said it was gratifying to see the program grow here in Arizona after having seen it introduced at NACo by the Department of Homeland Security. Supervisor Brock said the media stressed heart disease and he was making a recommendation to his colleagues to consider having certain members in the building trained in EMT and the use of a defibrillator. Mr. Lansbury commented that he would follow up on these suggestions.

**~ Supervisor Wilcox left the meeting ~**

Motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the resolution sponsoring the Arizona Central Region Citizen Corps Council as follows:

**RESOLUTION OF MARICOPA COUNTY BOARD OF SUPERVISORS  
REGARDING THE ARIZONA CENTRAL REGION CITIZEN CORPS COUNCIL  
C1505005M00**

**WHEREAS**, Maricopa County Board of Supervisors is the sponsor for the Arizona Central Region Citizen Corps Council (ACRCCC); and

**WHEREAS**, the mission statement of the ACRCCC is to assist in the development and success of local Citizen Corps Councils in the Arizona Homeland Security Central Region; and

**WHEREAS**, the Citizen Corps Councils ensure that all citizens have the opportunity to participate in making their communities safer, stronger and better prepared to prevent and manage threat of terrorism, crime and disasters of all kinds; and

**WHEREAS**, Citizen Corps is a federal program started by President Bush on April 4, 2002 to help coordinate volunteer activities; and

**WHEREAS**, there is no financial obligation on behalf of the Maricopa County Board of Supervisors to sponsors this council.

**NOW, THEREFORE, BE IT RESOLVED**, that The Maricopa County Board of Supervisors is the official local sponsor for the Arizona Central Region Citizen Corps Council (ACRCCC).

**PASSED AND ADOPTED** by the Board of Supervisors, Maricopa County, Arizona this 21st day of March, 2005.

/s/ Max W. Wilson, Chairman

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

**PRESENTATION AND LETTER OF COMMENTS TO MAG REGARDING MODIFICATIONS TO TRANSPORTATION PLAN**

Item: Approve a letter to transmit written comments to the Maricopa Association of Governments (MAG) Transportation Policy Committee concerning proposed modifications to the MAG Regional Transportation Plan.

Clem Ligocki, Regional Partnership Manager, indicated that this item is similar to the meeting of February 22, 2005, when MAG brought forward proposed modifications and the statute required circulation for a 30-day comment period. He said they added a modification, namely the request that Power Road Project be advanced from Baseline to Guadalupe while five arterial projects be deferred from phase one to phase two of the plan.

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the following letter to transmit written comments to the Maricopa Association of Governments (MAG) Transportation Policy Committee concerning proposed modifications to the MAG Regional Transportation Plan. (C6405247600) (ADM 2053)

March 21, 2005

The Honorable Elaine M. Scruggs, Chair  
Transportation Policy Committee  
Maricopa Association of Governments  
302 North 1<sup>st</sup> Avenue, Suite 300  
Phoenix, AZ 85003

Dear Mayor Scruggs:

The Maricopa County Board of Supervisors has received the February 25 letter from Eric Anderson communicating additional proposed modifications to the Regional Transportation Plan (RTP). The Board has reviewed the proposed modifications and we unanimously submit the following comments for your consideration:

- Thank you for including the Power Road, Baseline to Guadalupe segment in the newly proposed list of advancements, as we requested in our February 22 correspondence. However, please note this is a multi-jurisdictional project, and the funding will be provided pursuant to an agreement among the partner agencies (Maricopa County, Mesa and Gilbert). Thus, the MAG list should not indicate "acceleration funding provided by Maricopa County." The intergovernmental agreement is under development and is subject to Board of Supervisors approval as well as approval by our partner cities. All three jurisdictions agree the project should be advanced into RTP phase one.
- At this time, we have no objection to consideration of the proposed RTP modifications for the purpose of including them in the required air quality analysis. Again, we may reconsider this position pending the completion of the full body of policies and procedures to govern the Arterial Life Cycle Program and the approvals of these policies and procedures by the MAG TPC and Regional Council.
- The Board stands by its comments from our February 22 letter and reiterates that the following considerations should be taken into account when reviewing the advancement of proposed projects:

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- All arterial life cycle program policies and procedures must be approved by the MAG TPC and Regional Council before any modifications are considered;
- Maricopa County makes no commitment to assist financially or participate in any advanced project not otherwise requested by the Board; and
- MAG should make every effort to apply policies and procedures and make any project-related decisions equitably throughout the county.

Thank you for directing the MAG staff to circulate the proposed RTP modifications for review and comment.

Sincerely,

/s/ Max W. Wilson, Chairman

cc. Mr. Eric Anderson, MAG  
Mr. Michael Ellegood, Maricopa County Engineer  
Mr. Frank Peake, Jr. Maricopa County TAB Chairman

**EXECUTIVE SESSION CALLED**

Pursuant to A.R.S. 38-431.03, motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to recess and reconvene in Executive Session to consider items listed on the Executive Agenda dated March 21, 2005, as follows.

**LEGAL ADVICE; PENDING OR CONTEMPLATED LITIGATION -- ARS §38-431.03(A)(3) AND (A)(4)**

1. **Compromise Cases** – Barbara Caldwell, Outside Counsel  

<b>Biakeddy, Arlen</b>	<b>Reyes, Juan Ramirez</b>
<b>Chinchilla, Aura</b>	<b>Schaub, Lowell</b>
<b>Cozar, Leandro</b>	<b>Stahle, John</b>
<b>Goin, Kip</b>	<b>Vale, Cynthia</b>
<b>Maguire, Brandon</b>	
  
2. **Write-Off Cases** – Barbara Caldwell, Outside Counsel  

<b>Anderberg, Suzanne</b>	<b>Daub, Dale</b>
<b>Avila, Evelyn</b>	<b>Boyd, Roger</b>
<b>McGinnis, Travis</b>	<b>Colbert, Martha</b>
<b>Hernandez, Ronnie</b>	<b>Kahn, Mohammed</b>
<b>Vaughn, Tasha</b>	<b>Orosco, Maximillano</b>
<b>Alvarado, Felipe</b>	<b>White, Mikel Philden</b>
<b>Daub, Dale</b>	
  
3. **Ray Krone, et al., v. County of Maricopa, et al.,  
U.S. District Court No. CIV 03-0734-PHX-MHM**  
Michael O'Connor, Attorney  
Peter Crowley, Risk Manager  
Patrick Spencer, Claims Manager  
Ted Howard, Senior Claims Adjuster

4. **Cathy Hontz, et al. v. City of Scottsdale, et al.**  
**Maricopa County Superior Court No. CV2003-002826**  
James Marburger, Counsel for the Maricopa County defendants  
Peter Crowley, Risk Manager  
Patrick Spencer, Claims Manager
5. **Gary Yoder v. Maricopa County, et al.**  
**Maricopa County Superior Court No. CV2001-022533**  
Daniel Jantsch, Attorney  
Peter Crowley, Risk Manager  
Patrick Spencer, Claims Manager
6. **Scott Ludlow v. MCSO, et al.**  
**Maricopa County Superior Court No. CV2002-018323**  
Robert Beltz, Attorney  
Peter Crowley, Risk Manager  
Patrick Spencer, Claims Manager
7. **William Eugene Lee v. Maricopa County, et al.**  
**Superior Court No. CV 2002-007312**  
Michael G. Sullivan, Deputy County Attorney  
Peter Crowley, Risk Manager  
Patrick Spencer, Claims Manager
8. **NAACP et al. v. Maricopa County**  
**CV 2003-2409-PHX-EHC**  
Rebecca Salisbury, Deputy County Attorney
9. **SFPP LP v. Arizona Department of Revenue, et al.,**  
**TX1999-00532, TX2001-000001, TX2001-000382 (Consolidated)**  
William Knopf, Deputy County Attorney

**SETTLEMENT DISCUSSIONS CONDUCTED IN ORDER TO AVOID OR RESOLVE LITIGATION – ARS §38-431.03(A)(4)**

10. **Maricopa County v. City of Mesa**  
Susan Hable, Deputy County Attorney

**RECORDS OR INFORMATION EXEMPT BY LAW FROM PUBLIC INSPECTION; LEGAL ADVICE – ARS §38-431.03(A)(2) AND (A)(3)**

11. **Maricopa Managed Care Systems (fka MIHS Health Plans) Provider Appointments and Reappointments**  
Mr. Mehrdad Shaffa, Chief Medical Officer, Maricopa Managed Care Systems (MMCS)  
Mike Schaiberger, Chief Operating Officer, MMCS  
Deborah Morgan, Director of Medical Services, MMCS  
Susan Nicholas, Director of Compliance and Risk Management, MMCS  
Martin Demos, Deputy County Attorney

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**MEETING ADJOURNED**

At the conclusion of discussion on the matters listed above, and there being no further business to come before the Board, the meeting was adjourned.

ATTEST:

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Max W. Wilson, Chairman of the Board

\_\_\_\_\_  
Fran McCarroll, Clerk of the Board